

# Notice of Allowability

Application No.

09/806,006

Examiner

Steven D. Maki

Applicant(s)

GERRESHEIM ET AL.

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3-19-04.
2. ☒ The allowed claim(s) is/are 1,2,4,5,7 and 9-15.
3. ☒ The drawings filed on 17 April 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

#### Examiner's Amendment

1) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Change title to:

--Vehicle tire having non-uniformly profiled tread with respect to its center--

See MPEP 606.01.

#### Reasons for Allowance

2) The following is an examiner's statement of reasons for allowance which supplements applicant's arguments already of record:

Although Europe '380 (EP 594380) teaches a circumferential superwide groove having a groove width greater than 16% TW in one tread half and a narrower circumferential groove having a groove width of less than 8%TW in the other tread half, there is no motivation in the prior art of record when considered as a whole to modify Europe '380 such that (1) the other tread half has at least two circumferential narrower grooves having a width of 15 mm or less (instead of only one narrower groove) and (2) "the sidewalls of the circumferential grooves are slightly inclined with respect to the circumferential plane" (*slightly inclined being contrary to the express teaching at col. 4 line 46 to use "perpendicular" sidewalls*). Support for "slightly inclined" in claim 1 is found in original figure 4 and the last paragraph on page 6 of the original disclosure.

With respect to Swift et al (US 5425406), there is no motivation in the prior art of record when considered as a whole to modify Swift et al such that (1) the "wide" circumferential grooves 24 (col. 4 line 6) have a width of 15 mm or less and the "aquachannel" 16 (an extra wide circumferential groove having rounded groove walls) has a width of at least 35 mm and (2) "the sidewalls of the circumferential grooves are slightly inclined with respect to the circumferential plane" (*slightly inclined being contrary to the express teaching* at col. 2 lines 6-9, col. 4 line 32 to use an "aquachannel" 16 having "rounded" groove walls). It is again noted that support for "slightly inclined" in claim 1 is found in original figure 4 and the last paragraph on page 6 of the original disclosure.

Additionally, it is emphasized that, although Croyle et al (US 5360043) teaches a non-uniformly profiled tread with respect to its center having a wide groove and narrower grooves, one of ordinary skill in the art would not have been motivated to provide the wide groove with the claimed groove width of at least 35 mm for the tire to which Croyle et al's teachings would have been applicable; this tire being a high performance passenger car tire for vehicles such as Corvette, col. 1 lines 5-15. For example, the test tire specifically described by Croyle et al has a section width of 245 mm and an aspect ratio of 50% (see P245/50ZR16 at col. 6 line 44). Croyle et al specifically describes the groove width of the wide groove at col. 2 lines 16-17, col. 4 lines 8-12). Even with a tread width equal to the section width of 245 mm, the groove width for the wide groove is 2-10% compensated tread width = 2-10% (tread width)

Art Unit: 1733

(aspect ratio) = 2-10% (245 mm) (0.50) = 2.5 mm - 12.3 mm. The range of 2.5 mm to 12.3 mm is well *outside* the claimed range of at least 35 mm.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki  
May 26, 2004

  
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PRIMARY EXAMINER  
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5-26-04